



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

FR:MMK
F. #2024R00053

271 Cadman Plaza East
Brooklyn, New York 11201

July 21, 2025

By ECF

The Honorable William F. Kuntz, II
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Dimitriy Nezhinskiy
Criminal Docket No. 25-40 (WFK)

Dear Judge Kuntz:

Enclosed please find a proposed Preliminary Order of Forfeiture (the "Preliminary Order") in the above-referenced case, the terms of which the defendant, Dimitriy Nezhinskiy, has agreed to in connection with his guilty plea accepted by Your Honor on July 18, 2025. The government respectfully requests that the Court enter the enclosed Preliminary Order pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

Thank you for Your Honor's consideration of this submission.

Respectfully submitted,

JOSEPH NOCELLA, JR.
United States Attorney

By: /s/ Marsalla M. King
Marsalla M. King
Special Assistant U.S. Attorney
(718) 254-6188

Encl.: Preliminary Order of Forfeiture
cc: Counsel of Record (by ECF)

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, on consent, by and between the United States and the defendant as follows:

1. Pursuant to 18 U.S.C. § 981(a)(1)(C), 21 U.S.C. § 853(p), and 28 U.S.C. § 2461(c), the defendant shall forfeit to the United States the full amount of the Forfeiture Money Judgment and all right, title, and interest in the Seized Assets except for any of the items that the defendant provides documentation to the government (the “documentation”) that is sufficient to: (a) satisfy required New York state laws regarding pawn and/or loan transactions; or (b) prove defendant’s ownership in the item. The forfeiture of the Seized Assets shall be credited towards any outstanding balance owed on the Forfeiture Money Judgment.

2. All payments made towards the Forfeiture Money Judgment shall be made by a money order, or certified and/or official bank check, payable to the U.S. Marshals Service with the criminal docket number noted on the face of the instrument. The defendant shall cause said payment(s) to be sent by overnight mail delivery to the Asset Recovery Section, United States Attorney’s Office, Eastern District of New York, 271-A Cadman Plaza East, Brooklyn, New York 11201. The Forfeiture Money Judgment shall be paid in full on the date of sentencing (the “Due Date”).

3. Upon entry of this Preliminary Order of Forfeiture (“Preliminary Order”), the United States Attorney General or her designee is authorized to seize the Seized Assets, to conduct any proper discovery, in accordance with Fed. R. Crim. P. 32.2(b)(3) and (c), and to commence any applicable proceedings to comply with statutes governing third-party rights, including giving notice of this Preliminary Order.

are necessary to ensure that clear title to the Seized Assets passes to the United States, including, but not limited to, the execution of any and all documents necessary to effectuate the surrender and forfeiture of the Seized Assets to the United States. Further, if any third party files a claim to the Seized Assets, the defendant will assist the government in defending such claims. If the Seized Assets or Forfeiture Money Judgment, or any portion thereof, are not forfeited to the United States, the United States may seek to enforce this Preliminary Order against any other assets of the defendant up to the value of the Seized Assets, and the outstanding balance of the Forfeiture Money Judgment, pursuant to 21 U.S.C. § 853(p). The defendant further agrees that the conditions of 21 U.S.C. § 853(p)(1)(A)-(E) have been met. The United States will not seek the forfeiture of the defendant's other assets in order to satisfy the Forfeiture Money Judgment, pursuant to 21 U.S.C. § 853(p), until the defendant has received credit towards any outstanding balance owed on the Forfeiture Money Judgment from the forfeiture of the Seized Assets.

7. The defendant knowingly and voluntarily waives his right to any required notice concerning the forfeiture of the monies and/or properties forfeited hereunder, including notice set forth in an indictment or information or administrative notice. In addition, the defendant knowingly and voluntarily waives his right, if any, to a jury trial on the forfeiture of said monies and/or properties, and waives all constitutional, legal and equitable defenses to the forfeiture of said monies and/or properties, including, but not limited to, any defenses based on principles of double jeopardy, the *Ex Post Facto* clause of the Constitution, any applicable statute of limitations, venue, or any defense under the Eighth Amendment, including a claim of excessive fines.

14. The Clerk of the Court is directed to send, by inter-office mail, two (2) certified copies of this executed Order to the United States Attorney's Office, Eastern District of New York, Attn: Melissa Morello, FSA Law Clerk, 610 Federal Plaza, Central Islip, New York 11722.

Dated: Brooklyn, New York

July 21, 2025

SO ORDERED: 

s / WFK

/ HONORABLE WILLIAM F. KUNTZ, II
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK